

## Mediation

Illinois' mediation service is administered and supervised by the Illinois State Board of Education and is provided at no cost to the parties. Mediation can be requested by both parties without filing for due process hearing or can be requested after a due process request has been filed. Mediation is:

1. Designed as a means of resolving disagreements regarding special education services, placement and related services to children enrolled in Illinois public schools; and
2. Provided when both parties in a dispute voluntarily agree to participate in the mediation process.

In mediation, neither party is asked to abandon basic beliefs about the student's ability but rather the parties are asked to consider alternatives which could be incorporated into the student's program, to be aware of the concerns and problems expressed by the other party, and to be realistic about both the student's capabilities and the local district's obligations and resources.

1. General Information
  - Mediation cannot be used to deny or delay a due process hearing.
  - All discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding.
  - The parties cannot compel the mediator to appear at any subsequent due process hearing or civil proceeding arising from the dispute.
  - When a consensus is not forthcoming, the mediator or parties may terminate the mediation.
2. Mediator
  - The mediator is an impartial third party trained in effective mediation techniques and is knowledgeable in laws and regulations relating to the provision of special education and related services.
  - The mediator has no authority to enforce or override any action by either party.
  - The mediator will chair all mediation sessions and assure that they are convened in a timely fashion and held in a location convenient to the parties.
3. Mediation Participants
  - Mediation participants for both parties must include persons who have legal authority to act on behalf of the student and local district respectively.
  - The number of participants shall generally be limited to three persons per party. Participants may include attorneys, advocates, interpreters, and other relevant parties who have knowledge of the student.
4. Mediation Agreements
  - The only record that will be kept of the mediation session is the result of the mediation session, a listing of participants, the date(s), time(s), and location of the mediation session(s).
  - Mediation agreements are legally binding and enforceable in any state court of competent jurisdiction or in a district court of the United States. [20 USC Sec 1415(e)(2)(F)].
5. Operation of Stay-Put in Mediations (without an existing due process request)
  - The agreement of the parties to mediate shall act as a "stay-put" on the child's placement during the pendency of the mediation. The "stay-put" placement shall be the last agreed-upon placement between the parties.
  - If no agreement is reached between the parties concerning the placement, the "stay-put" placement shall remain in effect for a period of 10 calendar days following the mediation.
  - If the party challenging the placement that led to the mediation request does not file a request for a due process hearing within 10 days following the unsuccessful mediation, the "stay-put" placement will expire.